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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/074,507

02/12/2002

Mary Joan Willard

WILLARD

7440

7590

06/20/2006

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EXAMINER

STERRETT, JONATHAN G

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/074,507	Applicant(s) WILLARD, MARY JOAN	
	Examiner Jonathan G. Sterrett	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Summary

1. **Claims 1-37** are pending in the application.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of **50 to 150 words**. It is important that the abstract **not exceed 150 words** in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 17-21** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims cite limitations where working relationships are specified with known non-profit organizations

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(NIB and NISH) that are designates under the JWOD act of 1971. It is not clear that the non-profit organizations would participate in the manner desired for the invention to function. The amount of direction given as to how these non profit organizations would be engaged as part of the invention would require undue experimentation in order for one of ordinary skill in the art to predictably engage these non-profit organizations, therefore, the enablement requirement is not met

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claim 12** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding **Claim 12**, the claim cites a "pending contract". There is insufficient antecedent basis for the limitation "pending" in the claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barton US 2002/0046074**.

Regarding **Claim 1**, Barton teaches:

(a) means adapted for storing files for a not for profit staffing service,

para 53, the computer system provides for storage for a staffing service.

The examiner notes that storing files, whether for a not for profit staffing service, or a for profit staffing service, is the same. Thus the phrase “for a not for profit staffing service” is non-functional descriptive material.

wherein said files include information appertaining to at least one job opportunity that is necessary to satisfy a government contract and

para 134, information relating to a job opportunity is stored. As discussed above, a file containing information related to a job opportunity necessary to satisfy a government contract or any other type of position does not add patentable weight to the claim. Information stored relating to a job opportunity, e.g. position requirements, salary, term, position title; is the same regardless of what particular type of business the business is for.

wherein said at least one job opportunity includes working with a private-sector company that has applied to be a contractor to fulfill said government contract

para 60, the job opportunity details are contained in the database. The industry is a search area that the person can focus their search. The examiner interprets the industry type to be both private sector and other sector companies.

(b) means for informing a plurality of disabled or blind individuals of said at least one job opportunity; and

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para 59, applicants, including disabled or blind ones, can be informed of job opportunities through their own efforts or can be assisted by career counselors.

(c) means for creating a potential worker file of applicants, said applicants including those of said plurality disabled or blind individuals who apply for said at least one job opportunity;

para 53, a list of potential candidates is returned from the database.

whereby said non-profit staffing service is adapted to hire at least one of said applicants and to assign said at least one of said applicants to work at a location that is designated by said private-sector company that is selected as a contractor to fulfill said government contract.

Para 100, 119, a staffing service can select and hire the best applicants for a position. The examiner interprets the selection of candidates to mean that they are assigned to work at a location as specified by the position. The examiner notes that the term 'non profit' is considered non-functional descriptive material and adds no patentable weight to the claim because whether the staffing service is non profit or for profit does not change the functionality of the connected limitations. The examiner further notes that the terms 'private sector' similarly does not add patentable weight and is considered non-functional material. Furthermore, the limitation "that is selected as a contractor to fulfill said government contract" is considered by the examiner to be intended use and also does not add further weight to the claim.

Barton does not teach where the positions being filled by the job system are for a government contract, however it is old and well known in the art of job placement for government contracts to require the staffing of various positions in order to fulfill the requirements of that contract. Government contracts are known in the art to require staffing at all levels organizationally. This staffing is equal to that of the private sector in that these positions have job requirements, a position title and have specific responsibilities as required by the person holding the position.

It is also known in the art that JWOD legislation requires the fulfillment of government contracts to be performed through the assignment of services to be fulfilled by handicapped individuals. The JWOD legislation was passed in 1971 and is designed to reduce the high endemic employment rates among handicapped individuals.

Barton teaches his system provides a cost effective, fast and quality manner to provide job applicants to firms wishing to fill positions (para 6) and that his system can be applied to persons with disabilities (para 125).

Barton does teach the use of a contracting agency to fulfill obligations (i.e. contract terms) to a customer organization. Since it is old in the art for government contracts to require staffing similar to that of the private sector, as

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discussed above, it would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Barton, regarding providing a job search and application system for applicants, where the applicants are going through a contracted HR agency to help those applicants find jobs, to include the step of providing those applicants to fulfill a government contract, because it would do so in a cost effective, fast and quality manner and reduce the unemployment rate among handicapped individuals in accordance with the intent of the JWOD legislation.

While Barton does not explicitly teach:

and wherein said job opportunity includes an estimated term that at least one year duration;

where any of the applicants is assigned to work at a location that is designated by a private sector company

Official Notice is taken that these limitations are old and well known in the art. Job opportunities are known in the art to have an estimated terms that include at least one year duration. Temporary positions in the art may have different specified durations (see para 125 for a 10 week duration example taught by Barton) For example, many full time opportunities include provision for retirement benefits (i.e. the estimated term of employment is at least one year). Being assigned to work at a location that is designated by a private sector company is also known in the art. For example, many workers have a place of work that is a location designated by their employer (i.e. a private sector

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company), as in where their office is located. Large numbers of job positions in the private sector are thus known to be have different durations, including one year, and have a work locations where applicants will be assigned if hired.

The background of the prior art as disclosed by the specification notes that integrating handicapped individuals into existing work facilities (i.e. work locations) would help handicapped individuals be destigmatized by feeling they were a part of the larger workforce as a whole (see page 8 in the specification para 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Barton, regarding providing means for job searching and placement for applicants to include the step of where the job duration was at least a year and where the location is designated by a private sector company, because utilizing handicapped applicants to perform assignments of at least a year and at an assigned location would lower the endemic unemployment rate in the handicapped population and help individuals who were handicapped feel better about themselves.

Regarding **Claim 2**, Barton teaches where individuals may be hired that are handicapped (para 113) and where job agencies (i.e. staffing services) may provide workers with jobs, Barton does not explicitly teach where the staffing service is not for profit.

However, it is known in the art for nonprofit organizations to provide help to individuals who are handicapped. There are various tax advantages and incentives for those firms which are non profit, that enable the non profit firm to better able to help handicapped individuals, since the firm does not have to provide the assistance on a basis that requires generating a profit.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Barton, regarding providing means for job searching and placement for applicants to include the step of where the organization is nonprofit, because it would be better able to help handicapped individuals find a job position.

Regarding **Claim 3**, Barton teaches:

wherein said opportunity includes a potential job opportunity.

Para 60, the opportunities identified in the database are potential opportunities for job seekers.

Regarding **Claim 4**, Barton teaches:

wherein said job opportunity includes a current job opportunity.

Para 60, the job opportunities that are posted include current job opportunities.

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Regarding **Claims 5-8**, it is old and well known in the art of government contracting for a government contract to include a pending contract, as per Claim 5, and an awarded contract, as per Claim 6. It is old and well known for the government contracting process to include a prime contractor as per Claim 7, and a subcontractor, as per Claim 8.

As is discussed above, government contracts are known in the art to require staffing of positions in order to fulfill the government contract.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Barton, as discussed above, to provide applicants in fulfilling government contracts, including where there is a pending contract, as per Claim 5, where there is an awarded government contract, as per Claim 6, where there is a prime and subcontractors, as per Claims 7 and 8 respectively, because it would provide handicapped individuals to fulfill government contracts to reduce the unemployment rate amongst those individuals in accordance with JWOD legislation.

Regarding **Claim 9**, Barton teaches:

means adapted for cooperating with said private-sector company to select certain of said applicants from amongst said applicants wherein an opportunity for employment will be offered to each of said certain of said applicants.

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Para 100, 119, the private sector company is a career service provider consultant can narrow down the number of applicants up to and including selecting an applicant to where an opportunity of employment is offered to the candidate.

Regarding **Claim 10**, Barton teaches:

wherein said potential job opportunity includes a plurality of potential job opportunities.

Para 60, potential job opportunities for an user exist in the database, these potential opportunities are returned to the user as part of their search.

Regarding **Claim 11**, Barton teaches:

wherein said means for creating a potential worker file of applicants includes creating a potential worker file of applicants that have applied to fulfill the needs of said private sector company that appertains to said government contract.

Para 53, the company who is hiring applicants (i.e. ones who have applied to fulfill needs) can create a potential worker file of applicants that is a list of relevant candidates for the position the company wants to fill.

Regarding **Claim 12**, Barton does not teach:

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wherein said private-sector company that has applied be a prime contractor to fulfill said pending government contract includes a plurality of private-sector companies that have each applied to fulfill said pending contract.

However it is old and well known in the art for there to be a plurality of companies who have applied to fulfill a government contract. It is known in the art for pending government contracts to be applied for by more than one company (i.e. the 'awarding' of a government contract). These companies are known in the art to require the staffing of positions to fulfill these contracts.

Barton teaches his system provides a cost effective, fast and quality manner to provide job applicants to firms wishing to fill positions (para 6) and that his system can be applied to persons with disabilities (para 125).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Barton, regarding providing applicants for positions to fill a government contract, to include the step of where the company applying for the contract consists of a plurality of companies, because it would cost effectively provide positions for applicants who will fulfill the positions in the company who will receive the contract.

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Regarding **Claim 13**, Barton teaches:

wherein said means for creating a potential worker file of applicants includes creating a plurality of potential worker files of applicants and

para 59, the 12 step process creates a plurality of potential worker files for the applicants.

wherein each of said plurality of potential worker files of applicants includes those applicants that have applied to fulfill the needs of one of said plurality of private sector companies.

Para 85, applicants who have created a file (i.e. they have become potential workers) have applied to fulfill the needs of one of the companies that have posted jobs.

Regarding **Claim 14**, Barton teaches:

wherein said means for creating a potential worker file of applicants includes storing said potential worker file in a database.

para 46, the potential worker files (i.e. the applicants profiles) are stored in a database.

Regarding **Claim 15**, Barton teaches:

wherein said means for informing a plurality of disabled or blind individuals of said at least one potential job opportunity includes a posting thereof on a web site of the Internet.

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Para 58, the jobs are available for the 12 step process (i.e. that includes searching the database for posted positions that are available.) can be accessed through a website (i.e. that is on the internet).

Regarding **Claim 16**, Barton teaches:

wherein said information includes means for obtaining said information about said government contract and

para 118, information

wherein said means for obtaining is mediated by a central not for profit organization.

Para 59, candidates can be assisted (i.e. the jobs are mediated through a career coaching team, i.e. an organization) – see also para 100 and 102 for other embodiments where postings are mediated by career service provider consultants and recruiting coordinators, i.e. organizations. The term “central not for profit” is considered nonfunctional descriptive language because whether the organization is ‘central’ or ‘not for profit’ does not affect how the means for obtaining is different than for a ‘non central’ or ‘for profit’ organization.

Regarding **Claim 17**, Barton teaches a contracting organization that provides services to a customer, where those services include the providing of workers to that customer. Barton does not teach:

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wherein said central not for profit organization is designated by a committee for purchase of services from blind and severely disabled to distribute that work.

However it is old and well known in the art that the Javits-Wagner-O'Day act of 1971 (JWOD act revised the Federal Code 41 USC46-48c) provides for designating a non profit organization (i.e. known as a participating non-profit) for the purchase of services from blind and severely disabled to provide employment for those individuals. It is old and known in the art that one of the causal factors in the passage of the act was to increase the employment rate among these people. It is also old and well known in the art that the committee designated by the JWOD act of 1971, determines which services must be purchased by the Federal Government (i.e. including government contracts). It is old and well known in the art that the National Industries for the Blind (NIB) and the National Industries for the Severely Handicapped (NISH) are designated committees that help state and private non-profit agencies participate in the JWOD program.

It would have therefore been obvious to one of ordinary skill in the art of internet recruiting at the time of the invention to modify the teachings of Barton, regarding using an organization to find individuals, based on those individual's qualifications, for employment positions, to further include the step of modifying Barton's teachings to include the providing of handicapped individuals' services in employment to fulfill government contracts, because it would increase the

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employment rate of those individuals and provide for meeting Federal laws regarding the direction of mandatory contracts towards handicapped individuals.

Claim 19-22 recite limitations similar to those addressed by the rejection of Claim 18 above, and are therefore rejected under the same rationale.

Regarding **Claim 23**, Barton teaches:

wherein said information includes means obtaining said information and wherein said means obtaining said information includes said non-profit staffing service contacting said private-sector company subsequent to said private-sector company being awarded a least a portion of said government contract.

Para 126, consultants can be offered the opportunity (i.e. being contacted to do so) to work at home after being offered a contract (i.e. a production maintenance contract).

Regarding **Claim 24**, Barton teaches:

including means for sending at least some of said plurality of disabled or blind individuals an email using the Internet.

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Para 134, Barton teaches prescreening candidates for their interest and availability. The examiner interprets this to be communication to and from the applicant to determine their interest and availability

Para 168, electronic mail via the internet is supported by the technology of Barton's system.

Regarding **Claim 25**, Barton teaches his invention being used to provide work for disabled applicants (para 125) but does not teach:

wherein said not for profit organization employs disabled or blind individuals that comprise at least seventy-five percent of its work force that is performing direct labor.

However, it is old and well known in the art for disabled individuals fulfilling mandatory contracts awarded under the JWOD contract to be required to provide at least seventy-five percent of the workforce that is performing direct labor.

It would have therefore been obvious to one of ordinary skill in the art of internet recruiting at the time of the invention to modify the teachings of Barton, regarding using an organization to find individuals, based on those individual's qualifications, for employment positions, to further include the step of modifying Barton's teachings to include the providing of handicapped individuals' services in employment to fulfill government contracts where the organization utilizing those disabled individuals comprising at least seventy-five percent of their

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workforce, because it would increase the employment rate of those individuals and provide for meeting Federal laws regarding the direction of mandatory contracts requiring a minimum of seventy-five percent direct labor on the part of handicapped individuals.

Regarding **Claim 26**, Barton teaches:

wherein said means for informing said applicants subsequent to said private sector company being awarded said government contract includes means for referring said applicants to said private sector company.

Para 74 and 75, the applicants are referred to the private sector company (i.e. the company 'client' that is using the system to identify candidates, interview and hire them) when the company is provide with the electronic means to determine which applicants meet the position requirements, are contacted and hired.

Regarding **Claim 27**, Barton teaches:

wherein said means for informing said applicants subsequent to said private sector company being awarded said government contract includes

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providing said private sector company with information appertaining to at least one of said applicants,

para 58, the 12 step process provides means for applicants to enter their personal information, including qualifications, into the system, so that a company wishing to review their information and select them based on their qualifications, can do so.

wherein said information is sufficient to permit said private sector company to make an attempt to contact said at least one of said applicants.

Para 74 and 75, the contact information provide by the job applicants enables the client company to contact them to proceed with the hiring process. – see also para 100, where applicants can be contacted for phone and video conferencing interviews.

Regarding **Claim 28**, Barton teaches:

where said at least one of said applicants that is hired by said private sector company remains as an employee of said not for profit staffing service for the duration of said estimated term.

Para 125, employees who are looking for a specified term are used to fill positions using Barton's invention, eg. Teachers who have the summer off who are looking for a 10 week contract.

Regarding **Claim 29**, Barton teaches:

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wherein said means adapted storing files includes a server and a data base that are adapted to cooperate with each other and

para 173, database and secure server can cooperate with each other.

wherein said server is adapted to communicate over the Internet and

para 172, the career services system is operated as a website (i.e. over the internet).

wherein said data base is adapted for storing said files.

Para 189, database can store files (i.e. applicant profile information related to their qualifications for positions).

Claims 30-37 recite limitations similar to those addressed by the rejection of **Claims 1-29** above, and are therefore rejected under the same rationale.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 7,043,443 by Firestone discloses a method and system for matching employees and employers over a network.

US 2002/0128892 by Farenden discloses a method for recruiting candidates for employment

US 20030009437 by Seiler discloses a method and system for information communication between potential candidates and employers.

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US 20020059228 by McCall discloses a data filing publishing and matching system.

US 20020143496 by Mactas discloses a method for valuation of an individual in an enterprise.

US 20020055870 by Thomas discloses a system for human capital management.

US 6984177 by Lydon discloses a method and system for communication programmer information to potential employers.

US 6662194 by Joao discloses an apparatus and method for providing recruitment information.

US 20030050811 by Freeman discloses a system and method for hiring and applicant.

Wilhelm, Paul; "Productive employment of the handicapped: compliance strategies for the Americans with Disabilities Act", Summer 1993, SAM Advanced Management Journal, v58, n3, p.9(7), Dialog 06512688.

Anthes, Gary; "Technology Helps People with Disabilities", Sept 7, 1998, ComputerWorld, v32, n36, p.8, Dialog 05802054.

Anonymous, "Service matches employers with disabled Job seekers", June 1998, Nation's Business, v86, n6, p.10(1). Dialog 10231565.

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Carney, Karen; Hise, Phaëdra; "The Inc. Network", Aug 1993, Inc. v15n8, pp.40-45, Dialog 00743219.

Meltzer, Tara; Stainburn, Samantha; "Willing & Enabled", Jan 1995, Government Executive, v27n1, pp.32-35, Dialog 00978666.

Devoe, Deborah; "Expanding the pool of IT workers", May 18, 1998, InfoWorld, v20n20, pp.111-112, Dialog 01651937.

"National Industries for the Blind", webpage of March 2, 2000, from web.archive.org, pp.1-3

"Javits-Wagner-O'Day (JWOD) Homepage", webpages of April 22, 1999 and May 3, 1999, from web.archive.org, pp.1-3.

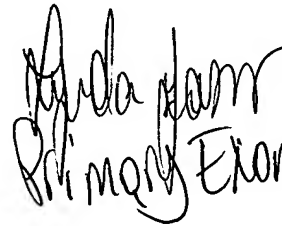
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 6-5-2006

 6/10/06
Primary Examiner